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ABSTRACT

The most important education issue in terms of the volume of court cases and the impact on education has been racial isolation in schools. For decades the thrust has been on integrating the schools, but this goal has not been accomplished. Desegregation efforts have been frustrated and the problem of providing a quality education for all students is becoming more serious. Since American history shows that public education contributed positively to the quality of democracy in this country, it is imperative that more efforts be made to solve these problems. Successful efforts to desegregate government, public accommodations, and trade unions suggest that schools can also be desegregated. Even within education there have been successes on the level of teaching staffs and governing boards. Among recommendations for achieving the same kinds of desegregation among students are the following: (1) assure a good representation of minority staff in each school; (2) improve the quality of city life; (3) raise the level of state funding; (4) establish more magnet schools and place them so that a racial mix can be achieved; (5) develop a multicultural curriculum; (6) foster linkages between schools, businesses, and universities; and (7) develop sports and cultural programs which will bring ethnic groups together. (VM)

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DESEGREGATION: THE URBAN AMERICA PERSPECTIVE

BY

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A luncheon speech delivered at the
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Desegregation: The Urban America Perspective

Not too many years ago, a national meeting of leaders involved in school law and legal matters affecting the public schools would have attracted a very small audience. Your presence here today is testimony to the fact that times have really changed. I understand that your membership now exceeds 3,000.

My first administrative school position was in 1937, but it was not until 1959 that I first appeared in court on a school issue. When I became Superintendent of the Cleveland (Ohio) Public School System in 1964 (a system enrolling 150,000 students), I was surprised to learn that we might spend as much as $5,000 that year for legal fees. At the time of my retirement in 1978, our annual legal fees had reached the multi-million dollar mark. In fact, the number of cases involving the courts had reached a volume that required one full-time staff member just to keep track of them. Some cases were finding their way to the U. S. Supreme Court. (So many legal papers were being served on us that someone suggested we open a drive-in window to expedite the traffic.)

Cleveland was not an isolated example. The same was happening in Chicago, New York, Philadelphia, Detroit and in

other city school systems across the nation. Beginning in the late 1960's and the early 1970's, we observed many groups, wishing to influence the course of education, shifting their efforts from legislative halls to courtrooms. Legislation was being replace by "case law". The atmosphere in the court system seemed to encourage litigation and a new aggressive group of "cause-oriented" attorneys were ready for action.

There is little doubt that the most important single education issue, in terms of the volume of court cases and the impact on education, was racial isolation in the public schools. The goal of racial integration was and still is one that must some way be achieved. However, 32 years after Brown v. Topeka Board of Education ruled that "separate was not equal", in the public schools of America's largest cities where the problems have been greatest, solutions have been elusive.

While it is always dangerous to generalize, the shocking truth is that our big city schools appear to be more segregated today than they were at the time of the Brown decision. Few if any of the great efforts to desegregate the city school systems have resulted in a decrease in the percentage of minority students. On the contrary, we note that between 1955 and 1980 the percentage of minority students in Chicago has gone from 32% to 81%, Detroit from 29% to 88%, New York City from 28% to 76%, Baltimore from 45% to 79%, and so on and on this consistent trend continues.

A 1983 study of the 20 big-city school systems as reported in the July 1983 issue of **The School Educator** further shows that during a ten-year span between 1973 and 1983 each of the 20 cities continued to dramatically lose majority students. The study reported a range between 50.3% majority students in San Diego to 3.5% majority students in Washington, D. C. Eleven of the 20 systems had more than 75% minority students. No turnaround seems to be in sight.

This past year, Dr. Harold Hodgkinson, Senior Fellow of the Institute of Educational Leadership, reported that California now has a majority of minorities in its elementary schools; that Texas schools are now 46% minority and that one half of the states have public school populations of more than 25% minorities. When we add to this the Census Bureau data indicating that the average age of whites in America is 31 years, blacks 25 years, and Hispanics 22, it becomes clear that minority growth will continue at an accelerating rate.

Our efforts to desegregate our city schools have been frustrated, and the problem is becoming more serious each day. Obviously, something has gone wrong.

If I wished to travel from Phoenix to Los Angeles, I might go to a travel authority and have the trip mapped out in detail. If I followed the directions but found that after the first day of travel, I was in Albuquerque, the second day in St. Louis and on the fourth day in New York City, I might well conclude that my

plans were not correct. However, my motive, desire and determination were above question. Could it be that the map was faulty? It is possible that our desegregation map needs to be restudied.

The time has come to take a new look at both the problem of racial segregation in our big city schools and the quality of education available to the children of the cities. Recent national studies on the quality of education in America have all avoided facing up to the problem of racial isolation. The studies have not looked at the special needs of the urban child.

However, before we attempt to deal with the immediate problem and look to new approaches, it might be well to develop an historical perspective. History might help us to better understand the many issues involved.

The concept of a new nation with "freedom and justice for all" was exciting and certainly experimental. The best minds in America devoted full attention to the process of developing a constitutional government that would get its direction, power and drive from the people. We have all heard the exciting story of the birth of our nation. Just a few weeks ago as we rededicated the Statue of Liberty, we were reminded again of how American democracy was established. We listened with interest to the review of the eloquent rhetoric of the statesmen who helped launch the "Great Experiment."

We were told about "the poor, the huddled masses" who

entered America through Ellis Island, but these same voices were silent about the thousands whose entry was through slave ports and whose future was servitude. Within a few months, we as a nation will again further study the origins of American government as former Chief Justice Burger chairs a special commission to lead us in celebrating the 200th birthday of the American Constitution. As we study this document, we will have an opportunity to look at the amendments that were later added, making the government more universal and guaranteeing equality to those who were brought here against their will and for so long were denied the rights of full citizenship.

From almost the first days of America's experiment with democracy, free public education played an ever-increasing role. Education became a major influence in encouraging the development of a classless society and a government that promised equality for "all." This same government built in special protections for the rights of individuals. While the government was by rule of the majority, that majority could not impinge on certain constitutional rights guaranteed to all individuals. The court system became the chief agency with power to protect individuals from unlawful abuse. Therefore, it is logical to assume that a record of "case law" protecting individual rights would be created. However, no one would have predicted the volume of case law to be written or the dramatic impact of the Civil Rights decisions as the court's mandated elaborate and sometimes

complicated remedies.

It is true that the definition of "all" used in the early documents of the proposed new government, while liberal in its day, would be considered very restrictive today. When Thomas Jefferson suggested that "all men were created equal", he was not really including all. Jefferson, Washington, Franklin and many other early American leaders, while condemning slavery, were not able to prohibit it at the time of the founding of the new government. In the debate over the Declaration of Independence, the language condemning slavery as proposed by Jefferson was deleted when it became apparent that without deletion the southern colonies would reject the entire Declaration. Slavery had been practiced in the New World from early in the 1600's, and, while it ran counter to the spirit of the Revolution, it was so much a part of the social and economic system of the South that change seemed impossible. It was not until later through legislative action, constitutional amendments, usage and "case law" that the term "all" was expanded to include non-land owners, women and slaves. Expansion and refinements have methodically occurred with nearly every generation. This expansion has resulted in the strengthening of the system of democratic government.

There is little doubt but that American public education contributed to the quality of Democracy. America's early commitment to education was eloquently expressed in Article 3 of

the Northwest Ordinance when it stated that "Religion, Morality and Knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged." Public education helped the new immigrant child to better understand the language, history and developing culture of the New World. The public school classroom became the meeting place for children of nearly all religions, ethnic, and economic groups. While the public school was successful in bringing to the many new ethnic groups knowledge, understanding, a common language and tolerance, yet this same system in many states, by law, denied the right of equal education to Negro children.

It was 31 years after the passage of the 13th Amendment ending slavery in the United States and 21 years after the passage of the Civil Rights Act by Congress in 1875 that the U.S. Supreme Court in Plessy v. Ferguson approved the doctrine of "Separate, But Equal". **Legal segregation became the law of the land.** In many states dual school systems, one for whites and one for Negroes, were established. This dual system was also practiced in housing, public transportation, public washrooms, eating places, the military, theaters, at athletic events and in almost every aspect of life. It made a mockery of the guarantee of equality for all in the U. S. Constitution.

America as the "land of the free" - "the home of the brave" - where all were "created equal" and guaranteed "equal rights"

was not true for everyone in every section of the nation. We were well on our way to developing a legal caste system based on color.

The Brown decision in 1954 was unanimous as the court reversed Plessy and instructed the defendants to "make a prompt and reasonable start toward full compliance. . .with all deliberate speed." With this firm decision, segregation once again become illegal. The equal treatment clause in the 14th Amendment was reaffirmed and new case law was in place. The Civil Rights advocates were on the move with support from many sectors. The Civil Rights Act of 1964 along with voting rights legislation brought real vigor to the movement. The first black students were entering all-white colleges. President Kennedy and later President Johnson were firm in their support of equal rights. Affirmative action was the official policy of the administration as a nation attempted to make amends for past neglect. Blacks were not only appointed to prominent positions in government, but they began to win elections to many offices. In 1967, Cleveland, Ohio, was the first large city to elect a black mayor. In this interesting campaign, Carl Stokes, a grandson of a slave, was in competition with Seth Taft, a grandson of a former U. S. President.

Today, there are many success stories indicating that real and meaningful desegregation has taken place. The Carl Stokes story has been repeated in Detroit, Philadelphia Los Angeles,

Washington, D. C., Atlanta, Chicago, etc. Public accommodations are available to all; trade unions are opening to minorities; management positions in business and finance are no longer available to whites only. Housing, jobs, sports, and entertainment are also on the success list. The vast majority of colleges and universities are not only open to minorities but are actually recruiting them.

Why then the continuing problem with racial isolation in our large city schools? Is the school problem different from housing, public transportation, public washrooms, eating places, theaters, athletics, etc? Could it be that the remedies prescribed by the courts for the schools have been different than in the other previously segregated areas?

However, before we examine these questions, we might deal briefly with one other related question, namely: Are there any generally accepted successes in the school desegregation efforts? The answer is yes. There are at least four major areas where we can claim progress.

First, there has been great success in the area of desegregation of teaching staffs, supervisory and administrative personnel. Of the 20 largest cities in America, we find integrated teaching staffs with many minorities in leadership positions. Of this group of city schools, ten have or have had minority superintendents within the last five years.

Second, the governing boards in the cities are generally

desegregated, and this desegregation has come about in most districts by a vote of the public. Thus, in our large city school districts, the policy, administrative, supervisory and instructional divisions seem to be well on the way to complete desegregation.

Third, in urban school districts when suburban areas were included in the remedial plan, there seems to be some progress in desegregating the total area. (Two examples of this kind of success can be found in Milwaukee and St. Louis.)

Fourth, when a remedial plan is developed around a magnet school concept with heavy emphasis placed on high quality programs, then desegregation seems to work. Each program must be so good that it attracts many students so that there is competition to get in. However, the assumption is that the basic racial make-up is such as to allow an acceptable mix. (The Phoenix Union High School District is in its second year of such a court-approved magnet school plan that is working.)

Other than these four examples of success, the large city education picture does not look good. But as we look outside of education into areas where discrimination based on color was practiced, we find great progress. What is the difference? The courts insisted that in the case of housing, jobs, public transportation, the lunch counter, admission to public universities, rest rooms, etc., that **equal access** be guaranteed. It was **simple, direct and final.** The full force of the

government was available to ensure enforcement, and compliance soon became routine and public opinion seemed to be in full support. I wonder what the outcome might have been if, in these cases, elaborate, complicated remedial plans similar to some of the school plans had been substituted for equal access. For example, the courts might have required the management of a lunch counter to provide no service until the customers were seated in such a numerical order as to represent the racial make-up of the local geographic area. Instead, the management was required to provide equal services to all.

I do not wish to imply that the application of the equal access principle alone would be sufficient to ensure city school desegregation. While it worked with state universities, it must be remembered that the university has an attendance base that is broad and includes all ethnic areas. The past practice of universities not allowing black students to attend, when reversed, resulted in desegregation. Such a simple remedy will not work in a city where the vast majority of students are minority and where the percent of minority students is on the increase. We have passed the time in most large cities when we can close all minority schools and disperse the students to other district schools, thus bringing about a desired racial mix. The percent of minorities to the total student population is such that all schools become segregated. Also, such dispersement places a special burden on the minority child. [This was a good

solution in Phoenix in 1955 when by order of the Federal District Court, Carver High School (black) was closed and the students were allowed access to any Phoenix High School including Phoenix Union High School (white).]

Because of the heavy minority enrollment today in many of our city schools, it might be easier to reassign only white students to minority schools. However, the pool of white students is so small that there is little likelihood of any success. (Some cities would find it difficult to provide two white students for each classroom.)

For those who are now advocating a voucher system for urban students, I fear that the prediction of Jesse Jackson is correct-that it would result in further segregation. It could finance the two escape routes now used by some to avoid integration, private schools and public schools in the suburbs.

We must be suspicious of anyone who professes to have a simple solution to our city desegregation problem. I would warn against any suggestion that we abandon our past and present efforts to desegregate. In fact, we should return to our earlier goal of integrated quality education which is much more meaningful than just a numerical distribution of students by race. We cannot abandon our goal of bringing minorities into the real mainstream of America.

The early efforts to desegregate came at a time of great urban crises. The cities were showing serious signs of aging.

Many upwardly mobile, mostly affluent white families were abandoning the city for new homes in new communities, some far outside the city. New regional shopping centers were replacing many city retail stores. Downtown churches were almost empty, city theaters closed, and many store fronts boarded up. Minority youth unemployment was at an all-time high and welfare expenditures, in many cities, exceeded the expenditures for education. The cities' infrastructures were breaking down.

Urban America is now in the process of attempting to rebuild. Many downtown areas are being revitalized, new buildings are under construction, the streets are again busy and a degree of prosperity seems to be returning. However, many resident "people problems" are unresolved. Poverty is high, housing is unattractive, health services inadequate and the schools are in disarray. One way to measure the problems of the urban city is to check the heavy traffic flow into the city each morning and the reverse flow each afternoon. The city seems to be a good place to work but not to live. America's greatest challenges may be the attempt to make our cities again good places in which to live. The quality of city schools will be the key in this necessary, important and long process. A new dedication to quality education from the private sector is already evident. (Witness the multi-million dollar scholarship programs for city high school graduates now in place in Atlanta, Boston, Cleveland and elsewhere.) Yet the urban schools are still in disarray, and

the people of the cities still in poverty.

The time is right to take a new look at our cities and their schools and to raise some questions as we attempt to find new solutions. There seems to be consensus that education is still the main route to a better life. Already there are signs that new legal directions are in the making as the courts are writing new case law. The Arlington Heights decision of 1977 (Arlington Heights v. Housing Development Corp.) indicating that "intent to segregate" must be shown as courts attempt to determine guilt is a real shift in direction. The Federal District Court's approval in 1983 of a settlement in the Chicago Board of Education Case, leaving 350 of 597 schools with predominantly minority students and 45 with all black, was a departure from previous trends. The recent Supreme Court decision allowing the Norfolk, Virginia, School District to discontinue busing is also a major reversal.

In addition, it would appear that the U. S. Department of Justice has shifted its position away from mandated school busing. Also, the U. S. Commission on Civil Rights, (a long time advocate of mandatory school busing), is now focusing its energies on Civil Right matters other than school desegregation, and most Supreme Court "watchers" are predicting similar changes in the direction of the United States Supreme Court.

While the vast majority of school civil rights cases have dealt with black minorities, as did both Plessy and Brown, there

is now an ever-increasing number of minority students from Puerto Rico, Mexico, Central America and Asia. This growing concentration of minority students in our cities has somewhat changed the issues of desegregation since the Brown decision and the series of court cases that followed Brown. In the future, there will be new cases, new decisions and possibly new direction.

New approaches to the problem may well focus less on a formula that required massive movement of children to achieve an absolute numerical racial mix in each classroom of each day to a system which may possess many components, some outside the schools dealing with the quality of life. While the chief thrust must be an attack on racial isolation, a new and essential element should be the development of superior schools in the cities. The nation cannot settle for anything less than the best education for the children and youth who need it most.

The "Great Experiment" in democratic government is not yet complete. Success will not be achieved until our system has addressed and solved the complex problems of the people of urban America. Since this is a national problem of critical importance, may I suggest that there may be the need for the establishment of a prestigious commission to seek solutions and provide a commitment to the improvement of urban America. Out of such a search for solutions might come programs that would be based on some of our present successes and new ideas that would:

- Take advantage of our gain in the integration of teaching, supervisory and administrative staffs in such a manner as to assure adequate minority representation in each school building in the city system.
- Organize all divisions of government to become a part of the larger team to improve the quality of city life (housing, youth employment, recreation, education, etc.).
- Insist that, since public education is a state responsibility, the state provide extra funds and leadership to assist in developing and financing programs that would improve the quality of urban education and encourage integration.
- Establish a system of high-quality magnet schools. (Some might be area schools to better insure a proper racial mix).
- Develop planned magnet programs to be placed strategically in existing schools so that a better racial mix would be achieved. (Gifted programs, advanced placement, special art programs, vocational and hi-tech science programs, etc.).
- Develop a truly multi-racial, multi-cultural curriculum and make it state-wide.

- Restructure school athletic leagues so that there will be a good racial mix.
- Provide incentive contracts to encourage voluntary exchange of students between urban and other districts. (St. Louis in 1984 sent over 5,000 students to suburban schools and 500 suburban students moved to city magnet schools.)
- Involve colleges and universities into a special partnership with city schools. (Consider some joint appointments.)
- Involve businesses, financial and industrial organizations into special programs with urban schools. (The Atlanta Jobs for Minority Youth is an example worth replicating).
- Develop many city-wide cultural and educational programs that will bring ethnic groups together on a regular basis.
- Develop affirmative action standards of spending on urban children.

It is possible that a combination of these plus others could become a part of a new kind of effort that would bring top quality education to city school youth and, at the same time, afford opportunities for youth of all ethnic groups to work together. City schools must again become superior schools if the city is to keep and attract upwardly mobile residents. Such high

quality schools might well attract majority students back into the city. It is inconceivable that our cities cannot be turned around and again be fine places in which to live. We can accept nothing less. Education alone may not be able to solve all the cities' problems, but without quality education they will not be solved.

Our new road map should lead us to cities with excellent schools, fine art, good music, attractive housing, responsible government, and prosperous neighborhoods. These elements will help to bring about integration; without them our city schools will continue on their way to becoming schools for only the children of minorities and the poor. No cost is too great to prevent our urban schools from becoming permanently "separate and unequal."